

BEFORE THE  
UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Competitive Product Prices  
Priority Mail Express & Priority Mail  
Priority Mail Express & Priority Mail Contract 72

Docket No. MC2018-214

Competitive Product Prices  
Priority Mail Express & Priority Mail Contract 72  
(MC2018-214)  
Negotiated Service Agreement

Docket No. CP2018-296

PUBLIC REPRESENTATIVE COMMENTS ON  
POSTAL SERVICE REQUEST TO ADD  
PRIORITY MAIL EXPRESS & PRIORITY MAIL CONTRACT 72 TO THE  
COMPETITIVE PRODUCT LIST

(August 29, 2018)

The Public Representative hereby provides comments pursuant to an initiating notice by the Commission.<sup>1</sup> In that Notice, the Commission established the above referenced docket to receive comments from interested persons, including the undersigned Public Representative, on a Postal Service request to add Priority Mail Express & Priority Mail Contract 72 to the competitive product list.<sup>2</sup> The Postal Service's Request includes a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. § 3633(a), and a copy of Governor's Decision No. 11-6. The Postal Service also filed a contract (under seal) related to the proposed new product, and supporting financial data.

According to the Postal Service, Priority Mail Express & Priority Mail Contract 72 is a competitive product "not of general applicability" within the meaning of 39 U.S.C. § 3632(b)(3). *Request* at 1. The Postal Service also maintains that the prices and classification underlying the instant contract are justified by Governors' Decision No. 11-

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<sup>1</sup> Notice Initiating Docket(s) for Recent Postal Service Negotiated Service Agreement Filings, August 27, 2018 (Notice).

<sup>2</sup> USPS Request to Add Priority Mail Express & Priority Mail Contract 72 to Competitive Product List and Notice of Filing (Under Seal), August 24, 2018 (Request).

6.<sup>3</sup> The Postal Service further asserts that the Statement of Supporting Justification provides support for adding Priority Mail Express & Priority Mail Contract 72 to the competitive product list and the compliance of the contract with 39 U.S.C. § 3633(a). *Attachment D* at 1.

The contract is to expire three (3) years from the effective date, unless 1) terminated by either Party within 30 days' notice with applicable restrictions, (2) renewed by mutual agreement in writing, (3) superseded by a subsequent Agreement between the Parties, (4) ordered by the Commission or a court, or (5) required to comply with subsequently enacted legislation. *Id.* at 8.

The Public Representative has reviewed the instant contract, the Statement of Supporting Justification, and the financial data and model filed under seal that accompanies the Postal Service's Request. Based upon that review, the Public Representative concludes that Priority Mail Express & Priority Mail Contract 72 should be categorized as a competitive product and added to the competitive product list.

The Public Representative respectfully submits the foregoing comments for the Commission's consideration.

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Public Representative

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<sup>3</sup> Decision of the Governors of the United States Postal Service on Establishment of Domestic Competitive Agreements, Outbound International Competitive Agreements, Inbound International Competitive Agreements, and Other Non-Published Competitive Rates, March 22, 2011 (Governors' Decision No. 11-6).